

Agency Coordination: The Fraser River Estuary Management Program, 1985-2003

Joe Stott

Burrard Inlet Environmental Action Program and the Fraser River Estuary Management Program

Anna Mathewson

Fraser River Estuary Management Program

[Editor's note: The authors have provided their PowerPoint presentation.

To view the presentation select the PowerPoint icon ]

Abstract

The Fraser River and its tributaries comprise one of the great river systems of the world. The 155 square kilometre estuarine component of the Fraser is at the heart Vancouver's metropolitan area and is one the most productive salmon rivers in the world. It is a refuge for migratory birds using the Pacific Flyway and is important to the regional economy for goods transport, particularly by the forestry sector. Two port authorities operate in the Fraser River estuary.

The Canadian government is a federal system, where the national and provincial governments have shared interests in the environment and economy. The resulting legislative, regulatory, and policy regime often produces overlapping jurisdictions and competing responsibilities. In recognition of the need to coordinate this governance regime, and in response to community concerns about environmental degradation and habitat loss resulting from regional growth, the environment ministries from the federal and provincial governments forged a partnership to coordinate their efforts. In 1985 they established the Fraser River Estuary Management Program (FREMP). FREMP has evolved to include six partners-agencies from three levels of government and two federally established port authorities.

The partnership has grown under the premise that a new 'agency' is not the way to provide the coordination required. FREMP is a 'program', jointly funded and managed by the partners who retain their authority as agencies seeking 'made in the region' solutions when laws, regulations and enforcement procedures are in conflict.

Key achievements of FREMP are approval of a comprehensive management tool—the Estuary Management Plan, also known as A Living, Working River and the first monitoring report, which defines a set of indicators to evaluate the effect of the Estuary Management Plan.

Over the years, FREMP has served as a model for innovation in intergovernmental coordination for other regions around the world.

Introduction

Established in 1985, Fraser River Estuary Management Program (FREMP) and its partners (Environment Canada, Fisheries and Oceans Canada, British Columbia Ministry of Water, Land and Air Protection, Greater Vancouver Regional District and the Fraser River Port Authority) have provided a framework to protect and improve environmental quality, to provide economic development opportunities and to sustain the quality of life in and around the Fraser River Estuary. Geographically, FREMP applies to the wet side of the dike of the Fraser River downstream from Kanaka Creek and Pitt Lake to the Strait of Georgia. FREMP also includes Sturgeon Bank, Roberts Bank and Boundary Bay.

Jurisdictional Context

Canada is a federal state where legislative powers are divided between two levels of government—federal and provincial. Local governments exercise powers delegated by provincial governments. The Constitution (1867) provides federal and provincial governments with distinct spheres of authority, but regulatory confusion can exist about matters not foreseen by the Fathers of Confederation.

FREMP Partners

FREMP brings together the partner agencies responsible for setting and enforcing environmental legislation and policy with those responsible for land and water management. Together the FREMP partners coordinate their long-range planning and operational decision making to ensure a sustainable future for the Fraser River estuary. FREMP partners use a consensus-based approach to finding 'made in the estuary' environmental management solutions.

The purpose of forming the FREMP partnership is to bring the resources of all partners to facilitate the implementation of the actions contained in the Estuary Management Plan (EMP) and to coordinate activities intended to achieve sustainability.

The primary objectives of FREMP are to:

- Conserve and enhance the environmental quality of the river and estuary to sustain healthy fish, wildlife, plants and people.
- Respect and further the estuary's role as the social, cultural, recreational and economic heart of the region.
- Encourage human activities and economic development that protect and enhance the environmental quality of the estuary.

The FREMP Partners are Environment Canada, Fisheries and Oceans Canada, British Columbia Ministry of Water, Land and Air Protection, Greater Vancouver Regional District, Fraser River Port Authority and the North Fraser Port Authority.

Environment Canada

As a federal agency, Environment Canada is responsible for every aspect of Canada's environment: land, water, air, and wildlife. Any actions for the Fraser River estuary must be consistent with policies established for the rest of Canada.

Environment Canada plays an important role in all areas of the Program, with a presence on the Management Committee, the Water and Land Use Committee and the FREMP Environmental Review Committee.

Legislation most applicable to the FREMP area includes the *Canadian Environmental Assessment Act (CEAA)*, the *Fisheries Act* (principally Section 36(3) which prohibits the planned or accidental discharge of deleterious substances to waters frequented by fish), the *Migratory Birds Convention Act*, and the *Canadian Environmental Protection Act*. Environment Canada also coordinates waterfowl surveys through the Canadian Wildlife Service (CWS) branch.

Fisheries and Oceans Canada

Fisheries and Oceans Canada is responsible for water, fish and habitat for all of Canada, so Fisheries and Oceans Canada plays a very important role in policy directives and habitat restoration for the FREMP area.

Fisheries and Oceans Canada's primary role has been to provide advice on compliance with the habitat sections of the *Fisheries Act*. The most commonly used sections of the *Fisheries Act* are Section 35(1) dealing with harmful alteration, disruption and destruction of fish habitat, and Section 36 dealing with deposits of deleterious substances, which is also administered by Environment Canada. The *Fisheries Act* is the only legislation through which an environmental offender can be charged, but it is only effective after the fact.

Fisheries and Oceans Canada also defines the "fisheries sensitive" periods for development permits and must approve all development projects in the Fraser River Estuary. Continuing the "one-window, one review" approach, Fisheries and Oceans uses the environmental reviews as part of the *Canadian Environmental Assessment Act (CEAA)*.

Fisheries and Oceans Canada also includes the Canadian Coast Guard, who play an important role in FREMP. As the administrator of the *Navigable Waters Protection Act* the Coast Guard routinely conducts navigational impact assessments along with added environmental assessment responsibilities.

BC Ministry of Water, Land and Air Protection (MWLAP)

The British Columbia Ministry of Water, Land and Air Protection (MWLAP) is responsible for the management, protection and enhancement of British Columbia's environment. This includes the protection, conservation and management of fish, wildlife, water, land and air resources; and, the protection and management of provincial parks, recreation areas and ecological reserves.

It provides a full-range of functions including Water Management, Pollution Prevention, Fish Wildlife and Habitat Management and Enforcement. The Ministry staff provide a full range of land and resource management expertise from fish biologists, groundwater hydrogeologists, watershed planners, urban stream biologists, and geographic information system technicians to contaminated site experts.

The Ministry gets involved when provincial jurisdiction or provincial participation is required. The Ministry's legislation includes the *Water Act*, the *Waste Management Act* which manages the contaminated site process, and the *Wildlife Act*. They also issue permits to industries which discharge into the Fraser River Estuary. Other areas of interest associated with the Ministry include the Environmental Assessment office and the *BC Environmental Assessment Act*.

Port Authorities

Both the Fraser River Port Authority (FRPA) and the North Fraser Port Authority (NFPA) are federally mandated port authorities operating under the *Canada Marine Act*. The FRPA is a major deep-sea port located on the main arm of the Fraser River, downstream from Kanaka Creek and Pitt Lake to the Strait of Georgia. The purpose of the FRPA is to facilitate economic development and trade.

The NFPA has port jurisdiction over the north and middle arms of the Fraser River. The NFPA is responsible for the administration of marine traffic, including patrolling the river to ensure that marine transport regulations are being observed. It is also responsible for the management of land areas under its administration—primarily along the tidal areas along the riverbanks.

Greater Vancouver Regional District (GVRD)

The Greater Vancouver Regional District (GVRD) is a working partnership of 21 municipalities and one electoral area. The GVRD is dedicated to maintaining the quality of life in the Greater Vancouver area, and to the delivery of region-wide essential services.

The most important things the GVRD does is in FREMP are manage air quality and sewerage and drainage systems which discharge into the Fraser River under the *BC Waste Management Act*. The GVRD also contributes on behalf of municipalities who regulate land use through the *BC Local Government Act* and through the Regional Growth Strategy and Official Community Plans.

Management, Policy and Operational Management

BIEAP and FREMP function through Memoranda of Understanding (MOU), which establish the framework for the coordination of partner agencies through a two-level management structure. Since 1996, the programs have been linked by these agreements, and together to allow BIEAP and FREMP to learn from each other and to make more efficient use of their financial and staff resources, while addressing the distinct needs and priorities of the two individual areas.

Through the MOUs there is a two level management structure made up of the Steering Committee and the Management Committee.

The Steering Committee comprises the principals of each of the funding partners, and meets annually to discuss the progress of the Programs and provide direction on matters that cannot be resolved at other levels in the structure.

The Management Committee, comprising senior managers from the partner agencies, meets monthly, and is responsible for overall management and policy issues. In addition to setting the broad goals of the Programs, the joint Management Committee directs and oversees the administration of the annual work plans, the five-year business plans, including the allocation and determination of the manner in which funding will be spent.

The Management Committee is assisted by a variety of subcommittees and task groups where program partners and other stakeholders can participate in an advisory role on specific aspects of the program work plans and ad hoc initiatives. This linked management structure is supported by a secretariat from offices in Burnaby, British Columbia.

BIEAP and FREMP Achievements

A number of achievements have been achieved in recent years by the programs:

- The 2001/2002 Annual Report which outlines the Programs' progress over the past year.
- A reform package was implemented in 2000 for the Coordinated Project Review, which implemented the new three phase, four track process [160 projects were reviewed in 2002].
- The Liquid Waste Management Plan process to develop a long-term made-in-the-region plan with partner input mediated with program resources.

FREMP Achievements

The key achievement of FREMP was the 1994 approval of a comprehensive management tool – the Estuary Management Plan (EMP), also known as *A Living, Working River*. The Plan has been endorsed by all 12 of the municipalities in the FREMP area of interest.

The EMP addresses the key concerns identified as gaps in our individual agency efforts to manage the estuary. These concerns have benefited from an extensive body of research, from the Fraser River Estuary Study two decades ago that provided the genesis for the FREMP partnership, through the extensive reports prepared for the Fraser River Action Plan, to the research focus of the current Georgia Basin Ecosystem Initiative.

The Estuary Management Plan also benefited from consultations with stakeholders, community organizations, interest groups, local governments and the general public.

Other achievements include Area Designation Agreements, Sediment Budget to manage dredging, Habitat classification and GIS capability, and the Indicator Monitoring Report on the Estuary Management Plan 2001.

EMP Actions

The EMP has six action items that are always being updated. Under Environmental Protection there are two items:

- Water Quality Management, which ensures that the waters of the Fraser River are sufficiently clean to support fish and wildlife, meet irrigation needs, and to provide recreational opportunities, and
- Fish and Wildlife Habitat, which ensures that the remaining habitat is maintained and that new habitat is allowed to develop.

Under Human Activities there are four items:

3. Dredging and Navigation which tries to maintain the careful balance between shipping and habitat needs, the EMP directs the Canada Coast Guard and the Port Authorities to develop and maintain a set of navigation channels that supports the river's industrial users while protecting habitat; and, to keep sediment removal within the limits of the river's ability to replenish itself, and set guidelines for dredge disposal.
4. Log Management which tries to minimize the impacts of log storage and handling while ensuring that the forestry industry can continue to store and handle logs in the Fraser River, the EMP charges FREMP to promote compliance with its log storage guidelines; and reduce the generation of waterborne debris resulting from log handling in the estuary. In response to the EMP 100% Compliance with the Log Storage Guidelines and a reduction in log debris in the Estuary have occurred.
5. Industrial and Urban Development which tries to ensure that human activities in the estuary continue to move towards sustainability. FREMP requires the tools to manage and keep track of these changes, and to that end, the EMP charges the FREMP partners to work with municipalities to complete Area Designations Agreements that will guide integrated foreshore and upland development; to ensure that foreshore development does not reduce overall ecological productivity of the Estuary; to ensure that water-dependent industry retains access to the Fraser River; to ensure that FREMP has tools, like up-to-date habitat maps, which aid decision making by providing an accurate picture of the state of habitat within the Estuary; and to ensure that FREMP conveys its policies and development requirements accurately to those applying for development permits.
6. Through the EMP a number of achievements have occurred. Five Area Designation Agreement processes have been completed and two more are in progress. Since 1998 the GIS System has been able to display the Area Designation Agreements, the Habitat Classification System, and a variety of other information that assists in decision-making, and there is an Economic Development Strategy underway.

7. Recreation plays an important social and cultural role. The Fraser River Estuary, the Greater Vancouver Regional District (GVRD) and municipalities agreed that they would work together to identify and protect 16 recreational “units” along the Estuary. They also want to develop walking or biking connections (linear units) between recreational and educational sites within these organizational units, and to develop and implement an Estuary-wide public education and awareness program.

All of the Action items will be updated through the EMP update which will be completed this spring.

Summary and Conclusions

There has been steady progress on program priorities and improvements to project review procedures. The innovative, linked management structure is a suitable vehicle for partners to shift their environmental focus from permits and approvals to a performance based regime of standards and monitoring compliance.

BIEAP and FREMP understand that their continued success begins with the partnership. Their continued recognition for the need of integrated management with effective communications within and between agencies, and the ability to working together and will resolve conflicts and are able to learn and adapt will guide them into the future, along with strong public support.